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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TONIA BABBITT, an individual,

Plaintiff,

v.

TRAVIS NIELSEN, an individual;
CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF LATTER-
DAY SAINTS, a Utah Corporation Sole;
DOES I through X; and ROE
CORPORATIONS XI through XX, Inclusive,

Defendants.

Case No. 2:18-cv-02076-RFB-NJK

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
AND PRETRIAL DEADLINES AND
ALLOW DEFENDANTS TO CONDUCT
AN INDEPENDENT MEDICAL
EXAMINATION**

(First Request)

Defendants Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints (“CPB”) and Travis Nielsen (“Defendants”) and Plaintiff Tonia Babbitt (“Plaintiff”) hereby stipulate and agree to extend the discovery and pretrial deadlines as respectfully requested herein and allow Defendants to conduct an independent medical examination (“IME”).

A. The IME.

The parties stipulate and agree that Babbitt will undergo an IME at the Las Vegas office of Dr. Mark J. Rosen, MD. The parties will work together to find a date and time for the IME available for both sides. Babbitt will not complete any written questionnaires for the IME. The IME will not be audio or video recorded. A paralegal for Babbitt’s counsel will attend the IME as an independent observer. The paralegal will not interact with Dr. Rosen or speak during the IME. The paralegal will not take any notes during the IME. The paralegal will not be called as a witness at trial for any purpose.

B. Extension of the Discovery and Pretrial Deadlines.

1. *Discovery Completed to Date.*

The parties have served and responded to written discovery, obtained and produced Babbitt's medical records, and have been working together to schedule upcoming depositions.

2. *Remaining Discovery.*

The parties still need to disclose experts and depose the parties and their experts. Defendants also will be deposing Babbitt's boyfriend in February 2019 and desire to depose Babbitt's ex-husband, Jayson Babbitt. Plaintiff also has requested to depose a Rule 30(b)(6) representative for CPB and Isiah Dominick Jacobs, a passenger in Nielsen's vehicle at the time of the accident. Based on the fact Babbitt intends to designate her surgeon Dr. Craig Tingey MD as an expert witness, Defendants intend to depose Dr. Tingey after the initial expert disclosure deadline.

3. *Reasons for the Proposed Extension.*

For approximately a month, the parties have been negotiating the terms for an IME. Right now, Dr. Rosen has only one IME appointment available before the current initial expert disclosure deadline. The parties wish to extend the deadline to allow the IME to be scheduled on a date in March or April that would be available for both sides. Also, on January 29, 2019, Plaintiff filed a motion for leave to file a first amended complaint. ECF No. 24. Also, several of the witnesses whom Plaintiff has requested to depose are out-of-state.

4. *Proposed New Scheduling Order and Discovery Plan.*

The parties wish to extend the discovery and pretrial deadlines by 60 days as follows:

EVENT	CURRENT DEADLINE	NEW DEADLINE
Deadline to amend the pleadings and add parties	01/29/19	No change
Initial Expert Disclosures	02/28/19	04/29/19
Interim Status Report	02/28/19	04/29/19
Rebuttal Expert Disclosures	04/01/19	05/31/19
Close of Discovery	04/29/19	06/28/19
Dispositive Motions	05/29/19	07/29/19

1	Pretrial Order	06/28/19	08/27/19
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3 IT IS SO STIPULATED.

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5 DATED February 1, 2019.

DATED February 1, 2019

6 /s/ Matt Wolf
7 Dan McNutt, Esq. (SBN 7815)
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10 **ORDER**

11 IT IS SO ORDERED.

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UNITED STATES MAGISTRATE JUDGE

14 DATED: February 4, 2019